

## **Superior Court of California, County of Kern County Metropolitan Division**

**SUBJECT:** Complaint Procedure Against Civil Neutrals

**PURPOSE:** As mandated by California Rules of Court 1622, the Alternative Dispute Resolution program is required to have a complaint procedure in effect by January 1, 2003.

**POLICY:** The Superior Court of California, County of Kern will develop and maintain a procedure for considering complaints against civil neutrals who are on the court's panel, or who are recommended, selected, appointed or compensated by the court.

### **PROCEDURE:**

1. Participants in alternative dispute resolution are encouraged to discuss whatever concerns they have with the neutral first. If the complaint cannot be resolved in this way, it is referred to:
2. The court's designated Alternative Dispute Resolution Program Administrator or Court Executive Officer. The complaint must be submitted in writing. If the complaint cannot be resolved at this level it is referred to:
3. The Presiding Judge or designated judge. The Presiding Judge or designated judge shall make a preliminary inquiry on any complaint that has possible validity. A copy of the complaint shall be supplied to the neutral, who shall be allowed an opportunity to respond. The preliminary inquiry may be terminated if the complaint is found to be lacking in merit or an acceptable explanation is offered. If the complaint cannot be resolved at this level it is referred to:
4. A review panel consisting of representatives from the court and the local bar association. When the preliminary inquiry indicates that a complaint appears to have validity or there is other good cause including other complaints, the Presiding Judge shall refer the matter to the review panel for further investigation and recommendations regarding appropriate action.
5. The mediator may be counseled, suspended or removed from the court's neutral panel for good cause by the Presiding Judge.

6. The complaint at all stages shall be handled as promptly as due process allows.
7. All papers filed and proceedings conducted on a complaint against a mediator shall be confidential until action is ordered by the court.